

FEDERAL UNIVERSITY OF TECHNOLOGY, ENUGU
(ESTABLISHMENT) BILL, 2019
ARRANGEMENT OF CLAUSES

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SCHEDULE

A BILL

FOR

AN ACT TO ESTABLISH FEDERAL UNIVERSITY OF TECHNOLOGY, ENUGU AND TO MAKE COMPREHENSIVE PROVISIONS FOR DUE MANAGEMENT AND ADMINISTRATION; AND FOR RELATED MATTERS

Sponsored by Hon. Patrick Asadu

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows-

PART I - ESTABLISHMENT, CONSTITUTION STRUCTURE AND FUNCTIONS
OF FEDERAL UNIVERSITY OF TECHNOLOGY, ENUGU

1 **1.**-(1) There are established the Federal University of Technology,
2 Enugu (in this Act referred to as “the University”).

Establishment of
the Federal
University of
Technology

3 (2) The University:

4 (a) Shall be a body corporate with perpetual succession and
5 common seal; and

6 (b) may sue or be sued in its corporate name

7 (3) May acquire, hold or dispose of any property, movable or
8 immovable for the purposes of carrying out any of its objects under this Act.

9 **2.** The objects of the University of Technology shall be to:

The Objects

10 (a) Encourage the advancement of learning to all persons without
11 distinction of race, religion, sex or political conviction, by availing to all
12 qualified persons the opportunity of acquiring higher education in Nigeria;

13 (b) Develop, offer academic and professional programmes leading
14 to the award of certificates, first degrees, post-graduate diploma and other
15 higher degrees, which emphasises planning, adaptive, developmental and
16 productive skills in education, technology, applied science, agriculture,
17 commerce, art, social science, humanities, management and allied
18 professional disciplines;

1 (c) Produce socially mature educational men and women with
2 capability not to only understand need of Nigeria as a nation, but also to exploit
3 existing educational infrastructures and improve on it to develop new ones;

4 (d) Act as agents and catalysts for effective educational system,
5 through post-graduate training, research and innovation, for effective
6 economic utilisation and conservation of the country's human resources;

7 (e) Bring quality change in education, focusing on teacher education
8 through teaching and learning innovations;

9 (f) Collaborate with other national and international institutions
10 involved in training, research and development of education with a view to
11 promoting governance, leadership and management skills among educational
12 managers;

13 (g) Identify the educational needs of the society with a view to finding
14 solutions to them within the context of overall national development;

15 (h) Provide and promote sound basic education training as a
16 foundation for the development of Nigeria, taking into account indigenous
17 culture and the need to enhance national unity; and

18 (i) Undertake any other activities that are appropriate for a University
19 of Technology of the highest standard.

Structure of
each University

20 **3.-(1)** Each University shall consist of:

21 (a) A Chancellor;

22 (b) A Pro-Chancellor;

23 (c) A Vice-Chancellor;

24 (d) A Council;

25 (e) A Senate;

26 (f) A body to be known as the Congregation;

27 (g) The campuses and colleges of the University

28 (h) The schools, institutes and other teaching and research units of the
29 University;

30 (i) Undergraduate and postgraduate students of the University and

1 (j) All other persons who are members of the university in
2 accordance with provisions of this Act.

3 4.-(1) The governance of each University and the direction of its
4 affairs shall vest in the Governing Council of each University (in this Act
5 referred to as "the Council").

Governing
Council of each
University

6 (2) Without prejudice to the generality of sub-section (1) of this
7 Section, it shall be the responsibility of the Council to consider and approve
8 the-

9 (a) Plan of activities of the University;

10 (b) Programme of studies, courses, and research to be undertaken
11 by the University;

12 (c) Annual estimates of the University; and

13 (d) Investment plans of the University.

14 5. The Council of each University shall consist of a chairman and
15 other members to be appointed by the President-

Membership of
the Council of
each University

16 (a) The Pro-Chancellor;

17 (b) The Vice-Chancellor;

18 (c) Deputy Vice-Chancellor;

19 (d) One person from the Ministry responsible for education;

20 (e) Nine persons representing a variety of interests and broadly
21 representative of the whole Federation to be appointed by the President;

22 (f) Four persons appointed by the Senate from among its members;

23 (g) Two persons appointed by the Congregation of the University
24 from among its members;

25 (h) Two representatives of the academic board of the University;

26 (i) One representatives of the National Universities Commission;

27 and

28 (j) One person appointed by the Convocation of the University
29 from among its members.

Tenure of office
of members of
the Council

1 **6.**-(1) A member of the Council, other than an ex-officio member,
2 shall hold office for a term of four years and may be eligible for re-appointment
3 for another four years and no more.

4 (2) A member of the Council shall cease to be a member under this
5 Act, where-

6 (a) Such member resigns his office by notice in writing under his
7 hand, addressed to the President through the Minister; or

8 (b) The President is satisfied that it is not in the best interest of the
9 University or of the public for such member to continue in office and notifies
10 such member in writing to that effect.

Removal of
any member of
the Council

11 **7.**-(1) Where it appears to the Council that any member of the
12 Council, other than the Pro-Chancellor and the Vice-Chancellor, should be
13 removed from office on the ground of misconduct or inability to perform the
14 functions of his office, the Council shall make recommendation through the
15 Minister to the President.

16 (2) Where the president, after making such enquiries as he considers
17 appropriate and approves the recommendation made by the Council, he may
18 direct the removal of such members of Council from office.

19 (3) The Minister shall communicate to the affected person, a copy of
20 the instrument embodying a direction under sub-section (2) of this Section, to
21 be served on the person to whom it relates.

Powers of the
University

22 **8.**-(1) Each University shall have power to-

23 (a) Establish such campus, college, institute, schools, extra-moral
24 department and other teaching and research units within the University, as may
25 be necessary or desirable, subject to the approval of the National Universities
26 Commission;

27 (b) Institute professorships, readerships or associate professorships,
28 lecture-ships, other posts and offices and make appointments thereto;

29 (c) Institute and award fellowships, scholarships, exhibitions,

1 bursaries, medals, prizes and other titles, distinctions, awards and other
2 forms of assistance;

3 (d) Provide for the welfare and discipline of members of the
4 University;

5 (e) Conduct examinations and grant degrees, diplomas, certificates
6 and other distinctions to persons, who have pursued a course of study
7 approved by the University and have satisfied such other requirements as the
8 University may lay down;

9 (f) Grant honorary degrees, fellowships or academic titles;

10 (g) Demand and receive from any student or any other person
11 attending the University for the purpose of instruction, such fees as the
12 University may from time to time determine subject to the overall directives
13 of the Ministers;

14 (h) Acquire, hold, grant, charge or otherwise deal with or disposal
15 of movable and immovable property wherever it is situate for the purposes
16 of carrying out the objects of this Act;

17 (i) Accept gifts, legacies and donations, but without obligation to
18 accept the same for a particular purpose unless it approves the terms and
19 conditions attached thereto;

20 (j) Enter into contracts, establish trusts, act as trustee, solely or
21 jointly with any other person, and employ or act through agents;

22 (k) Build, provide, equip and maintain libraries, laboratories,
23 lecture halls, halls of residence, refectories, sports grounds, playing fields
24 buildings or other facilities deemed necessary for the achievement of the
25 objects of this Act;

26 (l) Hold public lectures and to undertake printing, publishing and
27 book selling;

28 (m) Invest any surplus funds of the University in profit-yielding
29 ventures;

30 (n) Borrow money, where it is expedient to borrow and guarantee e

1 such loan, advances or credit facilities, upon any of the property, movable or
2 immovable, of the University, subject to each University Council's approval;

3 (o) Conduct examinations in education for qualified teachers;

4 (p) Donate gifts for any charitable purposes;

5 (q) Recruit staff of the right calibre and determine the career structure
6 of such staff;

7 (r) Provide amenities for student's welfare and make such other
8 provision for the welfare of the staff of the University;

9 (s) Organise and mount exhibitions to foster an appreciation of trends
10 in technology and the scope requirements of education; and

11 (t) Exercise any other powers as are necessary or expedient for the
12 achievement of the objects of this Act.

13 (2) The power of the University to establish further campuses and
14 colleges under the University shall be exercisable by statute and not otherwise.

Composition
of the Senate
of each University

15 **9.**-(1) The Senate of each University shall consist of:

16 (a) The Vice-Chancellor;

17 (b) The Deputy Vice-Chancellor;

18 (c) The Deans of various schools in the University;

19 (d) The Directors of various institutes in the University;

20 (e) The Professors in the University;

21 (f) The University Librarian;

22 (g) Persons holding such appointment on the staff payroll of the
23 University as may be specified by the Vice-Chancellor;

24 (h) Such lecturers, not being more than one third of the total number
25 of non-elected members, elected by the Congregation of the University of
26 which at least one of whom shall come from each of the schools in the
27 University; and

28 (i) Two persons representing a variety of interests of professional
29 bodies outside the University, appointed by the Senate on the recommendation
30 of the Vice-Chancellor.

1 (2) The Senate shall not establish any new campus, college, school,
2 department, institute or other teaching and research units, hall of residence or
3 similar institution of the University without the approval of the Council.

4 (3) Subjects to a right of appeal to the Council from a decision of the
5 Senate under this Act, the Senate may deprive any person of any degree,
6 diploma or other award of the University, which has been conferred upon him,
7 but after due enquiry he is shown to have been guilty of discreditable conduct in
8 gaining admission into the University or obtaining that award.

9 (4) The Senate shall ensure that not less than one person out the
10 persons appointed as examiners at each final or professional examination held
11 in conjunction with any course of study at the University is not a Lecturer at the
12 University but is a Lecturer at any other branch of learning to which the course
13 relates in other University of high repute or a person engaged in practising the
14 profession in a reputable organisation or institution.

The Visitor

15 **11. The Visitor**

16 -(1) The President of the Federal Republic of Nigeria shall be the
17 Visitor of the University.

18 (2) The Visitor shall, not less than once in every five years, conduct a
19 visitation to the University or appoint a visitation panel consisting of not less
20 than five experts to carryout visitation for the purposes of evaluating the
21 academic and administrative performance of the University or for such other
22 purposes in respect of any affairs of the University, which the Visitor may
23 consider necessary.

24 PART II - PRINCIPAL OFFICERS, OTHER PRINCIPAL OFFICER AND
25 STAFF OF THE UNIVERSITY

The Chancellor

26 **12.**-(1) The Chancellor of each University shall be appointed and hold
27 office at the pleasure of the President.

28 (2) The Chancellor shall subject to the provisions of this Act, hold
29 office for a period of five years from the date of his appointment and no more.

30 (3) Notwithstanding the provision of sub-section (2) of this Section,

1 the President may remove any Chancellor from office, where it is in the
2 interest of the University or of the public to do so.

3 **13.**-(1) The Pro-Chancellor of each University shall be appointed
4 by the President.

The
Pro-Chancellor

5 (2) The Pro-Chancellor shall subject to the provisions of this Act,
6 hold office for a period of five years from the date of his appointment.

7 (3) Notwithstanding the provision of sub-section (2) of this
8 Section, the President may remove any Pro-Chancellor from office, where it
9 is in the interest of the University or of the public to do so.

10 **14.**-(1) There shall be a Vice-Chancellor of each University, who
11 shall be appointed by the President in accordance with the provisions of this
12 Section.

The Vice-
Chancellor

13 (2) The Vice-Chancellor shall be the chief executive and academic
14 officer of the University, exercise general function in addition to any other
15 functions conferred on him by this Act or otherwise, which includes
16 directing activities in the University and serves as ex-officio and chairman
17 of the Senate.

18 (3) The Vice-Chancellor shall, in relation to each University, take
19 precedence before all other members of the University except the
20 Chancellor and the Pro-Chancellor and any other person for the time being
21 acting as chairman of the Council.

22 (4) Where a vacancy occurs in the post of a Vice-Chancellor, the
23 Council shall:

24 (a) Advertise the vacancy in a reputable journal or a widely read
25 newspaper in Nigeria, specifying:

26 (i) the qualities and qualifications of the persons who may apply for
27 the post; and

28 (ii) the terms and conditions of service applicable to the post,

29 And thereafter draw up a short list of suitable candidates for the post for
30 consideration;

1 (b) Constitute a Search Team consisting of:

2 (i) a member of the Council, who is not a member of the Senate, as
3 chairman;

4 (ii) Two members of the Senate who are not members of the Council,
5 one of whom shall be a professor;

6 (iii) Two member of the Congregation who are not members of the
7 Council, one of whom shall be a professor, to identify and nominate for
8 consideration, suitable persons who are not likely to apply for the post on their
9 own volition but that of the national interest.

10 (5) A joint Council of Senate Selection Board shall consist of:

11 (a) The pro-Chancellor, as chairman;

12 (b) Two members of the Council, not being members of the Senate;
13 and

14 (c) Two members of the Senate not below the rank of professors,
15 Who were not members of the Search Team, shall consider the candidates and
16 persons shortlisted under sub-section (2) of this Section through evaluation of
17 their curriculum vitae and interaction, shall recommend to the Council,
18 suitable candidates from the list for further consideration.

19 (6) The Council shall select three candidates from among the
20 candidates recommended in sub-section (5) of this Section and may indicate its
21 order of preference stating the reasons, if any, forward the names to the
22 President for consideration and approval.

23 (7) The President may appoint as Vice-Chancellor one of the
24 candidates recommended to him accordance with the provisions of sub-section
25 (6) of this Section.

26 (8) The Vice-Chancellor shall hold office for a single term of five
27 years only on such terms and conditions as may be specified in his letter of
28 appointment and no more.

29 (9) The Vice-Chancellor may be removed from office by the President
30 after due consultation with the Council and the Senate, acting through the

1 Minister responsible for education.

2 **15.**-(1) There shall be for each University such number of Deputy
3 Vice-Chancellors as the Council may, from time to time, deem necessary for
4 the proper management and administration of each University.

Deputy Vice-
Chancellors

5 (2) Where a vacancy occurs in the post of Deputy Vice-Chancellor,
6 the Vice-Chancellor shall forward to the Senate a list of two candidates for
7 the post of Deputy Vice-Chancellor that is vacant.

8 (3) The Senate shall select for any vacant post one candidate from
9 the list forwarded to it under sub-section (2) of this Section and forward his
10 name to the Council for confirmation.

11 (4) A Deputy Vice-Chancellor shall:

12 (a) Assist the Vice-Chancellor in the performance of his functions;

13 (b) Act in the place of the Vice-Chancellor when the post of the
14 Vice-Chancellor is vacant or if the Vice-Chancellor is, for any reason, absent
15 or unable to perform his functions as Vice-Chancellor;

16 (c) Perform such other functions as the Vice-Chancellor or the
17 Council may, from time to time, assign to him;

18 (d) Hold office for a period of two years from the date of his
19 appointment on such terms and conditions as may be specified in his letter of
20 appointment; and

21 (e) May be re-appointed for another period of two years and no
22 more.

23 **16.**-(1) There shall be for each University, a Registrar, who shall be
24 the chief administrative officer of the University and shall be responsible to
25 the Vice-Chancellor for the day-to-day administrative work of the
26 University except as regards matters for which the Bursar is responsible in
27 accordance with sub-section (3) of Section 17 of this Act.

Appointment of
the Registrar

28 (2) The Person holding the office of the Registrar shall by virtue of
29 that office be the secretary to the Council, the Senate, the Congregation and
30 the Convocation of the University.

1 (3) The Registrar shall hold office for a period of five years from the
2 date of his appointment on such terms and conditions as may be specified in his
3 letter of appointment.

Appointment
of other Principal
Officers of the
University

4 **17.**-(1) There shall be for each University the following principal
5 officers in addition to the Registrar:

6 (a) The Bursar; and

7 (b) The University Librarian.

8 (2) The Bursar and the University Librarian shall be appointed by the
9 Council on the recommendation of the Selection Board constituted under this
10 Act.

11 (3) The Bursar shall be the chief financial officer of each University
12 and be responsible to the Vice-Chancellor for the day-to-day administration
13 and control of the financial affairs of the University.

14 (4) The University Librarian shall be responsible to the Vice-
15 Chancellor for the administration of the university library and the co-
16 ordination of the library services in the University and any of its campuses,
17 colleges, faculties, schools, departments, institutes and other teaching or
18 research units of the University.

19 (5) The Registrar, Bursar and Librarian shall hold office for such
20 period and on such terms as to the emoluments of their offices and otherwise as
21 may be specified in their letters of appointment.

22 (6) The scope of the responsibilities of the officers referred to in sub-
23 section (5) of this Section shall be determined by the Vice-Chancellor.

Selection Board
for other Principal
Officers

24 **18.**-(1) There shall be for each University, a Selection Board for the
25 appointment of other principal officers, other than the Vice-Chancellor or
26 Deputy Vice-Chancellor, which shall consist of:

27 (a) The Pro-Chancellor, as chairman;

28 (b) The Vice-Chancellor;

29 (c) Four members of the Council not being members of the Senate and

30 (d) Two members of the Senate.

1 (2) Functions, procedure and other matters relating to the Selection
2 Board constituted under sub-section (1) of this Section, shall be determined
3 by the Council from time to time.

4 **19.** The Council may employ such other persons as employees of
5 the University, as may be required to assist the Vice-Chancellor and the
6 principal officers of the University in the performance of their functions and
7 responsibilities under this Act.

Other Employees
of the University

8 **20.-(1)** Where it appears to the Council that there are reasons to
9 believe that any staff employed by the University other than the Vice-
10 Chancellor and other principal staff, should be removed from office or
11 employment of the University on the ground of misconduct or inability to
12 perform the functions of his office, the Council shall:

Removal and
Discipline of
Staff of the
University

13 (a) Give notice to the staff, stating the reasons for either his
14 removal or discipline;

15 (b) Afford him an opportunity to make representation in person on
16 the matter to the Council; and

17 (c) Where he made representation to the Council or not less than
18 three members of the Council as may be requested within the period of one
19 month from the date of the notice, an arrangement:

20 (j) For a joint committee of the Council and the Senate to
21 investigate the matter may be constituted and submit report to the Council
22 on the matter;

23 (ii) The staff shall be afforded an opportunity of appearing before
24 the investigating Committee with respect to the matter, and if the Council
25 after considering the report of the investigating committee; and

26 (iii) Is satisfied that the staff in question is guilty of the offence
27 alleged, the Council may so direct his removal or being disciplined through
28 an instrument in writing signed on the directions of the Council.

29 (2) The Vice-Chancellor may, in a case of misconduct by any
30 member of staff of the University which in his opinion is prejudicial to the

1 interests of the University may suspend such member of staff and report such
2 suspension to the Council.

3 (3) The Council may for good cause, suspend or terminate the
4 appointment of any member of staff from duty.

5 (4) For the purposes of this section, "good cause" means:

6 (a) Conviction for any offence which the Council considers to be such
7 as to render the person concerned unfit for the performance of the functions of
8 his office;

9 (b) Any physical or mental incapacity, which in the opinion of the
10 Council and medical advice, considers to be such as to render the person
11 concerned unfit to continue to hold his office;

12 (c) Conduct of a scandalous or other disgraceful nature, which the
13 Council considers to be such as to render the person concerned unfit to
14 continue to hold his office;

15 (d) Conduct which the Council considers to be such as to constitute
16 failure or inability of the person concerned to perform the functions of his
17 office or to comply with the terms and conditions of his service; or

18 (e) Conduct which the Council considers to be generally of such
19 nature as to render the continued appointment or service of the person
20 concerned as prejudicial or detrimental to the interest of the University.

21 (5) Any person suspended pursuant to sub-sections (2) or (3) of this
22 section, shall be on half pay and the Council shall, before the expiration of three
23 months of such suspension, consider the case against that person and come to a
24 decision as to:

25 (a) Whether to continue such person on the suspension and is so, on
26 what terms, including the proportion of his emoluments to be paid to him;

27 (b) Whether to reinstate such person, in which case the Council shall
28 restore his full emoluments to him with effect from the date of suspension;

29 (c) Whether to terminate the appointment of such person, which in the
30 circumstance shall not be entitled to the proportion of his emoluments withheld

1 during the period of suspension; or

2 (d) Whether to take such lesser disciplinary action against the
3 person, which include the restoration of such proportion of his emoluments
4 withheld during suspension or as the Council may determine.

5 (6) Where the Council, pursuant to this Section, decides to
6 continue the person's suspension or take further disciplinary action against
7 the person, the Council shall before the expiration of three months of such
8 decision, come to a final determination of the case against the person.

9 (7) It shall be the duty of the person by whom an instrument of
10 removal is signed pursuant to this Section, to make effort to cause a copy of
11 the instrument to be served as soon as reasonably practicable on the person
12 to whom it relates.

13 (8) Notwithstanding the provisions of this section, nothing in the
14 foregoing provisions shall:

15 (a) Apply to any directive given by the Visitor in consequence of
16 any visitation report; or

17 (b) Prevent the Council from making regulations for the discipline
18 of other categories of workers of the University as may be prescribed.

19 **21.**-(1) Notwithstanding anything to the contrary in the Pensions
20 Act, the compulsory retiring age of an academic staff of each University
21 shall be 70 years.

Retiring Age of
Academic and
Non-academic
Staff of the
University

22 (2) A law or rule requiring a person to retire from the public service
23 after serving for 35 years shall not apply to both academic and non-academic
24 staff of each University.

25 **22.**-(1) Service in the employment of each University shall be as
26 approved service under the Pensions Reform Act, 2004 and accordingly,
27 employees of the University shall, in respect of their services be entitled to
28 pension, gratuity and other retirement benefits as are prescribed in the Act.

Application of
the Pensions
Reform Act

29 (2) Notwithstanding the provisions of sub-section (1) of this
30 Section, nothing in this Act shall prevent the appointment of a person to any

1 office on terms, which preclude the grant of a pension and gratuity in respect of
2 that office.

3 (3) For the purpose of the application of the Pensions Reform Act,
4 2004 and any power exercisable thereunder by the President or authority other
5 than the Federal Government (not being the power to make Regulations under
6 Section 32 of this Act), shall be vested in and exercisable by the University.

7 (4) Subject to sub-section (2) of this Section, the Pensions Reform
8 Act, 2004 shall in its application by virtue of sub-section (3) of this Section,
9 have effect as if the office were in the public service of the federation within the
10 meaning of the Constitution of the Federal Republic of Nigeria, 1999 (as
11 altered).

12 PART III - FINANCIAL PROVISION

Establishment
of Fund for the
University

13 **23.**-(1) The University shall establish and maintain a Fund, which
14 shall be applied towards the achievement of the aims and objectives of this Act.

15 (2) There shall be paid and credited to the Fund established pursuant
16 to sub-section (1) of this Section:

17 (a) Such sums as may be provided by the Government of the
18 Federation or of a State for payment into the Fund;

19 (b) Fees charged for services rendered by the University; and

20 (c) All sums accruing to the University by way of gifts, testamentary
21 dispositions, endowments or contributions from philanthropic or
22 organizations.

Annual Estimates,
Accounts and
Audit

23 **24.**-(1) The University shall not later than 30th September of each
24 year, submit to the Council for approval its estimates of income and
25 expenditure for the next financial year.

26 (2) The University shall:

27 (a) Keep proper records of all accounts of its income and expenditure;

28 and

29 (b) Prepare a statement of account in respect of each financial year.

30 (3) The University shall not later than 30th June of each financial year,

1 submit its accounts to auditors appointed from a list of qualified auditors in
2 accordance with guidelines laid down by the Auditor-General of the
3 Federation and the auditor's fees and expenses shall be paid from the Funds
4 of the University.

5 **25.**-(1) The University shall not later than 30th June of each Annual Report
6 financial year, submit to the Council, in respect of the preceding financial
7 year, an annual report on the activities of the University in such form as the
8 Council may direct.

9 (2) The report referred to in sub-section (1) of this Section shall
10 include:

11 (a) Information the activities of the University in that year;

12 (b) A copy of the audited accounts of the University for that year
13 together with the Auditor-General's report on the accounts of the University;
14 and

15 (c) Such other information as the Council may request.

16 (3) The Vice-Chancellor shall provide such information on the
17 affairs of the University as the Council may from time to time request.

18 **26.**-(1) The University may accept any gift of land, money or other Power to accept
19 property upon such terms and conditions, if any, as may be specified by the gifts
20 person or organization donating the gift.

21 (2) The University shall not accept any gift where the conditions
22 attached by the person or organization donating the gifts are inconsistent
23 with the functions and objects of the University.

24 **27.**-(1) The University may with the consent or in accordance with Borrowing and
25 any general authority given by the Council or appropriate authority; borrow Investment
26 by way of loan or overdraft from any source, any specified amount of money Power of the
27 required by the University for its Obligations and functions under this Act. University

28 (2) The University may, subject to the provisions of this Act and the
29 conditions of any trust created in respect of any property, invest any of its
30 funds with the consent or general authority of the Council.

1 (3) The University may invest any of its surplus funds in such
2 securities as the Council may from time to time approve.

3 (4) For the purposes of this section, "appropriate authority" means
4 Ministry charged with the responsibility of education.

5 PART IV - MISCELLANEOUS PROVISIONS

6 **28. Transitional and savings provisions**

7 - (1) Notwithstanding anything to the contrary in the provisions of the
8 Federal Colleges of Education Act (cap. F8 L.F.N. 2004) and all other
9 subsidiary instruments made thereunder, from the commencement of this Act,
10 it shall not apply to the Colleges of Education now upgraded to Federal
11 University of Education.

12 (2) From the commencement of this Act, all rights, functions,
13 interests, obligations and liabilities of the Colleges, existing before the
14 commencement of this Act under any contract or instrument of Law or in
15 equity shall by virtue of this Act be deemed to have been assigned to and vested
16 in each Federal University of Education established by this Act.

17 (3) Any proceeding or cause of action pending or existing
18 immediately before the commencement of this Act by or against the Colleges
19 in respect of any rights, interest or obligation may be continued or discontinued
20 by or against each Federal University of Education established by this Act in
21 any court of Law or Tribunal.

22 (4) Every asset, funds, resources and other movable or immovable
23 property which before the commencement of this Act was vested in the
24 Colleges, shall by virtue of this Act and without further assurance is vested in
25 each Federal University of Education established by this Act.

26 (5) Any person who at the coming into force of this Act was the holder
27 of any office in the Colleges, shall on the commencement of this Act continue
28 in that office and be deemed to have been appointed to the office by each
29 Federal University of Education established by this Act.

30 (6) Every regulation, order, requirement, certificate, notice, direction,

1 decision, authorization, consent, application, request or thing made, issued,
2 given or done under the Federal Colleges of Education Act, (Cap. F8 L.F.N.
3 2004) shall cease to be in force at the commencement of this Act, against the
4 Colleges referred to in this Section.

5 29.-(1) The Council may make rules providing for the Vice-
6 Chancellor to conduct enquiries into any alleged breach of discipline in the
7 University, which include lack of due diligence exhibited by any students.

Discipline of
students

8 (2) The rules shall provide for the procedure and rules of evidence
9 to be followed at enquiries under this section.

10 (3) Subject to the provisions of sub-section (1) of this Section,
11 where it is proved during enquiry that any student of the University has been
12 found guilty of any misconduct, the Vice-Chancellor may, without prejudice
13 to any other disciplinary powers conferred on him by this Act or any
14 regulations made pursuant to this Act, direct that the:

15 (a) Student shall not, during such period as may be specified in the
16 direction, participate in such activities of the University, or make use of such
17 facilities of the University, as may be specified;

18 (b) Activities of such student shall during such period as may be
19 specified in the directions, be restricted in such manner as may be so
20 specified; or

21 (c) The student may be suspended for such period as may be
22 specified in the direction; or

23 (d) Student should be expelled from the University.

24 (4) Where there is no Vice-Chancellor or where the Vice-
25 Chancellor refuses to apply any disciplinary measures, the Council may,
26 either directly or through some other staff of the University, apply such
27 disciplinary actions specified in sub-section (3) of this Section to any
28 student of the University that is found guilty of any misconduct.

29 (5) Where a direction is given under sub-section (3), paragraphs ©
30 or (d) of this Section in respect of any student, the student may, within

1 21 days from the date of the letter communicating the decision to him, appeal
2 against the direction to the Council, and where such an appeal is brought, the
3 Council after making inquiry in relation to the matter, may either modify,
4 confirm or set aside the direction in such manner as the Council may deem
5 necessary.

6 (6) The fact that an appeal from a direction is brought pursuant to sub-
7 section (5) of this Section, shall not affect the operation of the direction while
8 the appeal is pending.

9 (7) The Vice-Chancellor may delegate his powers under this Section
10 to a disciplinary committee consisting of such members of the University as he
11 may nominate.

12 (8) Nothing in this Section shall be construed as preventing the
13 restriction or termination of a student's activities in the University otherwise
14 than on the ground of misconduct.

15 (9) The direction under sub-section (3) paragraph (a) of this Section
16 may be combined with a direction under sub-section (3) paragraph (b) of this
17 Section.

18 (10) In all cases of indiscipline and misconduct under this Section,
19 the decision of the Council shall be final unless it is reversed by the Minister on
20 appeal by the student.

The seal of the
University

21 **30.**-(1) The seal of the University shall be such as may be determined
22 by the Council and the affixing of the seal shall be signed by the Chairman of
23 the Council and the Vice-Chancellor of the University.

24 (2) Certificates issued by the University shall have the seal of the
25 University affixed and signed by the Vice-Chancellor and the Registrar of each
26 University.

27 (3) Any document purporting to be a document executed under the
28 seal of the University shall be received in evidence and shall, unless the
29 contrary is proved, shall be presumed to be so executed.

30 (4) Any contract or instrument which, if made or executed by a person

1 not being a body corporate, would not be required to be under seal may be
2 made or executed on behalf of the University by any authorized person
3 generally or specifically authorized to do so by the Council.

4 **31.**-(1) Subject to the provisions of this Act, the provisions of the
5 Public Officers Protection Act shall apply to any suit instituted against the
6 University, an officer or employee of the University.

Limitation of
suit against the
University

7 (2) No suit shall lie or be instituted in any court against the
8 University, a member of the Governing Board or any principal officer or
9 employee of the University for an action carried out in pursuance to the
10 execution of this Act or any enactment, or of any public duty in respect of
11 any alleged neglect or default in the execution of this Act or any other
12 enactment or law, duty or authority, unless it is commenced-

13 (a) Within three months of such act, neglect or default complained
14 thereof; or

15 (b) In the case of a continuation of damages or injury, within six
16 months after the ceasing of the act, neglect or default.

17 (3) No suit shall be commenced against the University, a member
18 of the Council or any principal officer or employee of the University before
19 the expiration of a period of one month after written notice of the intention to
20 commence such suit has been served on the University by the intending
21 plaintiff or his agent.

22 (4) The notice referred to in sub-section (3) of this Section shall
23 clearly state the cause of action, particulars of the claim, the name and place
24 of abode of the intending plaintiff and the relief sought.

25 **32.**-(1) The Council may make Regulations:

Power to make
Regulations

26 (a) To regulate the activities and programmes of the University, or
27 any matter connected with the University; or

28 (b) For the effective implementation of any of the provisions of this
29 Act.

30 (2) The Council shall have power to amend Regulations made

1 under this Act provided that the proposal for amendment shall be passed by
2 two-thirds majority of the Council members.

3 (3) All Regulations made by the Council subject to the provisions of
4 this Act, may be published in the Official Gazette of the Government of
5 Nigeria.

Restriction on
disposal of land
belonging to the
University

6 **33.**-(1) Without prejudice to the provisions of the Land Use Act, a
7 University shall not dispose of or charge any land or an interest in any land,
8 including any land transferred to the University by this Act, except with the
9 prior written consent of the President.

10 (2) Provided that such consent shall not be required in the case of any
11 lease or tenancy at a rent for a term not exceeding 21 years or any lease or
12 tenancy to a member of the University for residential purpose.

Exclusion of
discrimination
on account of
race, religion, etc.

13 **34.**-(1) No person shall be required to satisfy any requirements as to
14 race, ethnicity, sex, place of birth or of family origin, or religion or political
15 affiliation, as a condition of becoming or continuing to be a student at any
16 University created by this Act.

17 (2) No person shall be subjected to any disadvantage or accorded any
18 advantage in relation to the University, by reference to any of the holder of any
19 degree of the University or of appointment or employment at the University, or
20 a member of any, of the bodies established by virtue of this Act.

21 (3) Nothing in sub-section (1) of this Section shall prevent the
22 University from imposing any disability or restriction on any of the persons
23 mentioned in that sub-section, where such person wilfully refuses or fails on
24 grounds of religious belief to undertake any duty generally and uniformly
25 imposed on all such persons or any group of them, which in the opinion of the
26 University is reasonably justifiable in the national interest.

Interpretation

27 **35.**-(1) In this Act, unless the context otherwise requires:

28 "Campus" means any campus which may be established by the University;

29 "College" means any college which may be established by the University;.

30 "Council" means the Council established pursuant to sub-section (1) of Section

1 4 of this Act for each University;
2 "Graduate" means a person on whom a degree, other than an honorary
3 degree, has been conferred by each University;
4 "Minister" means the Minister charged with responsibility for matters
5 relating to education;
6 "Notice" means notice in writing;
7 "Officer" does not include the Visitor;
8 "Prescribed" means prescribed by statute or regulation;
9 "Professor" means a person designated as a professor of each University in
10 accordance with provisions made in that behalf by statute or by regulations;
11 "Regulations" means regulations and other statutory instruments made by
12 the Council under this Act;
13 "Senate" means the Senate of the University established pursuant to
14 paragraph (e) of Section 3 of this Act;
15 "School" means a unit of closely related academic programmes;
16 "Undergraduate" means a person in status pupillary at the University other
17 than:
18 (a) A graduate; and
19 (b) A person of such description as may be prescribed for the
20 purpose of the definition;
21 "University" means any of the Federal University of Technology, Enugu
22 established under section 1 of this Act.

23 **36.** This Bill may be cited as the Federal University of Technology, Short title
24 Enugu (Establishment) Bill, 2019.

25 SCHEDULE

26 FIRST SCHEDULE

27 *Proceedings of the Council and Senate's Meetings*

28 1. Subject to this Act and section 27 of the Interpretation Act (CAP
29 I23) LFN, 2004-

30 (a) The Council and Senate may make Standing Orders to regulate

1 its proceedings or those of any of its Committees; and

2 2. The Council or the Senate shall meet whenever it is summoned by
3 the chairman and if, the chairman is required to do so by notice given to him by
4 not less than 3 other members, he shall summon a meeting of the Council or of
5 the Senate, to be held within fourteen days from the date on which the notice is
6 given.

7 3. At any meeting of the Council and Senate, the Chairman shall
8 preside but where he is absent, the members present at the meeting shall
9 appoint one of their members to preside over the meeting.

10 4. Where the Council or the Senate, desires to obtain the advice of
11 any person on a particular matter, they may co-opt such person to be members
12 for such period as it deem fit, but the person who is in attendance by virtue of
13 this paragraph shall not be entitled to vote at any meeting and shall not count
14 towards constitution of required quorum as contemplated by paragraph 2.

15 5. Notwithstanding anything in the foregoing provisions of these
16 paragraphs, the first meeting of the Council and Senate shall be summoned by
17 the President,

18 6. The Council shall meet as and when necessary for the performance
19 of its functions under this Act, but shall meet not less than three times in every
20 year.

21 7. Where not less than five members of the Council requested in
22 writing that a meeting should hold, the chairman shall within 28 days after the
23 receipt of such request, call a meeting of the Council.

24 8. Any request made under sub-section (10) of this Section, the
25 agenda of the meeting shall disclose the business to be considered at the
26 meeting and no business not so specified shall be transacted at such meeting.

27 *Constitution of Committees*

28 9. The Council or the Senate may appoint one or more Committees to
29 carry out, on its behalf, such functions as it may consider necessary.

30 10. A Committee appointed under this paragraph shall consist of

1 such number of persons as may be determined by the body constituting the
2 committee and the persons shall hold office on the Committee in accordance
3 with the terms of their appointment.

4 11. A decision of a Committee of the Council and Senate shall be
5 of no effect until it is confirmed by the constituting body.

6 *Miscellaneous*

7 12. The validity of any proceedings of either the Council or the
8 Senate or of a Committee shall not be adversely affected by:

9 (a) a vacancy in the membership of such body or the Committee; or

10 (b) a defect in the appointment of a member of such body or the
11 Committee; or

12 (c) reason being that a person not entitled to so took part in the
13 proceedings of such body or the Committee.

14 13. Any member of the Council or of the Senate or any person
15 holding office in any Committee, who has personal interest in any contract
16 or arrangement entered into or proposed to be considered by either the
17 Council or the Senate or a Committee thereof, shall disclose his interest to
18 the body concerned and shall not vote on any question relating to the
19 contract or arrangement.

20 14. A person shall not by reason of his membership of either the
21 Council or the Senate or of any committee be treated as holding an office of
22 emolument under the University.

23 *Functions of Finance and General Purposes Committee*

24 15. Subject to the provision of this Act relating to the Visitor, the
25 Council shall be the governing body of each University, charged with the
26 general control and superintendence of the policy, finances and property of
27 the University.

28 16. There shall be a committee of the Council to be known as the
29 Finance and General Purposes Committee, which shall subject to the
30 directions of the Council, exercise control over the property and expenditure

1 of the University and perform such other functions as may be delegated to it by
2 the Council.

3 17. Constitution of the Finance and General Purposes Committee
4 shall be carried out in compliance with the statute made by each of the
5 University.

6 18. The Council shall ensure that proper accounts of the University
7 are kept and audited annually by an independent firm of auditors approved by
8 the Council and ensure that an annual report is published by the University
9 together with certified copies of the audited account.

10 19. Notwithstanding anything to the contrary contained in this Act or
11 any statutes made subject to this Act, the Council and the Finance and General
12 Purposes Committee may make rules for the purpose of exercising any of their
13 respective functions under this Act.

14 20. Rules made under sub paragraph (16) of this Paragraph by the
15 Finance and General Purposes Committee shall not come into force unless it is
16 approved by the Council.

17 21. Where any of the rules made by the Committee is in conflict with
18 any directions given by the Council, before or after the coming into force of
19 such rules, the directions of the Council shall prevail.

20 22. There shall be paid to the members of the Council, the Finance
21 and General Purposes Committee and any other committee set up by the
22 Council, such allowances in respect of travelling and other reasonable
23 expenses incurred, at such rates as may from time to time be fixed by the
24 Government.

25 *Statutory instruments made by each University*

26 23. Subject to this Act, each University of Education may make rules
27 and regulations to-

28 (a) Provide with respect to the composition and constitution of any
29 authority in the University;

30 (b) Specify the powers of any authority in the University and any

1 other matter connected with the exercise of such powers confer on such
2 authority;

3 (c) Regulate the duties of any authority of the University and any
4 other matter connected with the University;

5 (d) Regulate admission, welfare, and discipline of students, where
6 no other enactment provides to the contrary;

7 (e) Determine whether any particular matter is to be treated as an
8 academic or a non-academic matter for the purposes of this Act or
9 Regulations or other instrument made under this Act.

10 24. Subject to section 24 (6) of this Act, the interpretation Act shall
11 apply in relation to any statutory instruments made under this section as it
12 applies to a subsidiary instrument within the meaning of Section 29 (1) of
13 that, Act.

14 *(CAP. I 23)*

15 *Mode of exercising power to make statutory instruments*

16 25. the power of each University to make stator instruments shall
17 be exercised in accordance with the provisions of Section 32 of this Act and
18 not otherwise.

19 26. Such statutory instruments shall not become law unless it has
20 been approved at a meeting of the:

21 (a) Senate by not less than two thirds votes of the members present
22 at the meeting; and

23 (b) Council by not less than two thirds votes of the members
24 present at the meeting.

25 27. Statutory instruments may originate either from the Senate or
26 from the Council and shall be approved as required by sub paragraphs (a)
27 and (b) of Paragraph (26) by either one of those bodies before the other.

28 28. Any statutory instrument which-

29 (a) makes provision for the alteration of the composition or

1 constitution of the Council and the Senate or any other authority of the
2 University; or

3 (b) provides for the establishment of a new campus or college or for
4 the amendment or revocation of any statutory instrument whereby a campus or
5 college is established, shall not come into operation unless it has been
6 approved by the President.

7 29. For the purposes of Section 2, sub-section (2) of the interpretation
8 Act, such a statutory instruments shall be treated as being made on the date on
9 which it is duly approved by the Council after having been duly approved by
10 the Senate, or on the date on which it is duly approved by the Senate after
11 having been duly approved by the Council, as the case may be or, in the case of
12 a statute falling within sub-section (4) of this section, on the date on which it is
13 approved by the President.

14 30. The decision of the Visitor on any matter referred to him under
15 this Act, shall be binding upon such authorities, staff and students of the
16 University.

17 31. Where any question as to the meaning of any provision of any
18 statutory instrument made subject to this Act has been decided by the Visitor,
19 no question as to the meaning of that provision shall be entertained by any court
20 of law in Nigeria.

21 32. Nothing in this Act shall affect any power of a court of competent
22 jurisdiction to determine whether any provision of statutory instrument is
23 wholly or partly void as being ultra vires or inconsistent with the Constitution
24 of the Federal Republic of Nigeria 1999 (as Altered).

25 *Proof of statutory instruments*

26 33. Any statutory instrument made by each University, may be
27 proved in any court by the production of a copy thereof bearing or having
28 affixed to it a certificate purporting to be signed by the Vice-Chancellor or the
29 Secretary to the Council to the effect that the copy is a true copy of such
30 statutory instrument of the University.

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Removal of examiners

34. If, on the recommendation of the Senate, it appears to the Vice-Chancellor that a person appointed as an examiner for any examination of the University ought to be removed from his office or appointment, except in such cases as may be prescribed, the Vice-Chancellor may, after affording the examiner an opportunity of making representations in person on the matter, may disengage such examiner from the University by an instrument in writing signed by the Vice-Chancellor.

35. Subject to the provisions of statutory instrument made in pursuant to Paragraph 34 of the Second Schedule to this Act, the Vice-Chancellor may, on the recommendation of the Senate, appoint an appropriate person as examiner in the place of the examiner removed under sub-section (1) of this Section.

36. It shall be the duty of the Vice-Chancellor, on signing an instrument of removal in accordance to Paragraph 34, shall cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it relates.

SECOND SCHEDULE

COMPOSITION OF THE FINANCE AND GENERAL PURPOSES COMMITTEE

1. The Finance and General Purposes Committee of the Council shall consist of:

(a) The Pro-Chancellor, who shall be the chairman of the Committee at any meeting at which he is present;

(b) The Vice-Chancellor and Deputy Vice-Chancellor

(c) Six representatives of the Council, two of whom shall be selected from among the Council's members, two members appointed by the Senate and one member appointed by the Congregation;

(d) The Permanent Secretary, Federal Ministry of Education or such member of his Ministry as may be delegated by him to represent him; and

1 (e) The Permanent Secretary, Federal Ministry of Science and
2 Technology or such member of his Ministry as may be delegated by him to
3 represent him.

4 2. The quorum of the Committee shall be five.

5 3. Subject to any directions given by the Council, the Committee may
6 regulate its own procedure.

7 *Composition of the Congregation of each University*

8 4. The Congregation of each University shall consist of:

9 (a) The vice-Chancellor and the Deputy Vice-Chancellor

10 (b) Full-time members of the academic staff;

11 (c) The Registrar;

12 (d) The Bursar;

13 (e) The Librarian;

14 (f) The Director of Works;

15 (g) The Director of Health Services; and

16 (h) Every administrative staffs of the University, who holds a degree,
17 other than an honorary degree, of any University recognised for the purposes of
18 this Act by the Vice-Chancellor.

19 5. Subject to sub-paragraph 4 of this Paragraph, the Vice-Chancellor
20 shall be the chairman at all meetings of Congregation when he is present and in
21 his absence, any of the Deputy Vice-Chancellors present at the meeting of the
22 Congregation or may appoint for that meeting a chairman where the Vice-
23 Chancellors and Deputy Vice-Chancellors is absent.

24 6. The quorum at any meeting of the Congregation shall be one third
25 of the whole number of the total number of members or fifty members in
26 attendance.

27 7. A certificate signed by the Vice-Chancellor specifying the:

28 (a) Total number of members of the Congregation for the purpose of
29 any particular meeting or meetings of the Congregation; or

30 (b) Names of members of the Congregation during a particular r or, as

1 period, shall be conclusive evidence of that number or, as the case may be, of
2 the names of those persons.

3 8. Subject to the foregoing provisions of Paragraphs (6) and (7),
4 the Congregation may regulate its own proceeding of meeting.

5 9. Congregation shall be entitled to express by resolutions or
6 otherwise its opinion on all matters affecting the interest and welfare of the
7 University and members, shall have power to elect members of the Council
8 in addition to other functions as may be provided by this Act or Statutory
9 instruments made subject thereto.

10 *Convocation*

11 10. Convocation shall consist of:

12 (a) The officers of the University mentioned in the First Schedule
13 to this Act;

14 (b) All teachers within the meaning of this Act;

15 (c) All other persons whose names are registered in accordance
16 with paragraph (2) of this article.

17 11. A person shall be entitled to have his name registered as a
18 member of Convocation if:

19 (a) He is either a graduate of the University or a person satisfying
20 such requirements as may be prescribed for the purposes of this paragraph;
21 and

22 (b) He applies for the registration of his name in the prescribed
23 manner and pays the prescribed fees.

24 12. Regulations shall provide for the establishment and
25 maintenance of a register for the purpose of Paragraph 4, may provide for the
26 payment, from time to time, of fees by persons whose names are on the
27 register and for the removal from the register of the name of any person who
28 fails to pay those fees.

29 13. The person responsible for maintaining the register shall,
30 without the payment of any fees, ensure that the names of all persons who

1 are for the time being members of the Convocation by virtue of sub-paragraphs
2 (a) or (b) of this Paragraph are entered and retained on the register.

3 14. A person who reasonably claims that he is entitled to have his
4 name on the register shall be entitled on demand to inspect the register or a
5 copy of the register at the principal offices of the University at all reasonable
6 times.

7 15. The register shall, unless the contrary is proved, be sufficient
8 evidence that any person named therein is, and that any person not named
9 therein is not, a member of Convocation, but for the purpose of ascertaining
10 whether a particular person was such a member on a particular date, any entries
11 in and deletions from the register made on or after that date shall be
12 disregarded.

13 16. The quorum of Convocation shall be fifty or one third or the
14 whole number nearest to one third or the whole number of members of
15 Convocation whichever is less.

16 17. Subject to section 4 of the Act, the Chancellor shall be chairman at
17 all meetings of Convocation when he is present, and in his absence the Vice-
18 Chancellor shall be the chairman at the meeting.

19 18. Convocation shall have such functions, in addition to the
20 function of appointing a member of the Council, as may be provided by any
21 statutory instrument of each University.

22 *Division of Schools*

23 19. Each school shall be divided into such number of branches as
24 may be prescribed.

25 *School Boards*

26 20.-(1) There shall be established in respect of each school a board of
27 studies which, subject to the provisions of this Statute, and subject to the
28 directions of the Vice-Chancellor, shall:

29 (a) Regulate the teaching and study of, and the conduct of
30 examinations connected with, the subjects assigned to the school;

1 (b) Deal with any other matter assigned to it by statute or by the
2 Vice-Chancellor or by the Senate; and

3 (c) Advise the Vice-Chancellor or the Senate on any matter
4 referred to it by the Vice-Chancellor or the Senate.

5 (2) Each school board of studies shall consist of:

6 (a) The Vice-Chancellor;

7 (b) The Dean;

8 (c) The persons severally in charge of the branches of the school;

9 (d) Such of the teachers assigned to the school and having the
10 prescribed qualifications as the board may determine; and

11 (e) Such persons, whether or not members of the University, as the
12 Board may determine with the approval of the Senate.

13 (3) The quorum of any board meeting shall be eight members or
14 one quarter, whichever is greater, of the members for the time being of the
15 board; and subject to the provisions of this Statute and to any provision made
16 by regulations in that behalf, the board may regulate its own procedure.

17 *Dean of the School*

18 21.-(1) the board of each school shall, at a meeting in the last term
19 of any academic year in which the term of office of the Dean expires,
20 nominate one of its members, being one of the professors assigned to that
21 teaching unit, for appointment by the Senate as Dean of the school.

22 (2) The person appointed under sub-paragraph (1) of Paragraph 8,
23 shall act as Dean of the school and chairman at all meetings of the school
24 board when he is present and shall be a member of all committees and other
25 boards appointed by the school.

26 (3) The Dean shall hold office for two years and shall be eligible for
27 re-appointment for one further period of two years. Thereafter, he shall not
28 be eligible for re-appointment until two years have elapsed.

29 (4) The Dean of a school shall exercise general superintendence
30 over the academic and administrative affairs of the school.

1 (5) It shall be the function of the Dean to present to Convocation for
2 the conferment of degrees on persons who are qualified for the degrees of the
3 University at examinations held in the branches of learning for which
4 responsibility is allocated to that school.

5 (6) There shall be a committee to be known as the Committee of
6 Deans consisting of all the Deans of the several schools and the Committee
7 shall advise the Vice-Chancellor on all academic matters and matters referred
8 to the University by the Senate.

9 (7) The Dean of school may be removed from office for good cause by
10 the school board after a vote would have been taken at a meeting of the board,
11 and in the event of a vacancy occurring following the removal of a Dean, an
12 acting Dean may be appointed by the Vice-Chancellor, provided that at the next
13 school board meeting, an election shall be held for a new Dean.

14 (8) In this Schedule "good cause" has the same meaning as in sub-
15 section (3) of Section 20 of the Act.

16 *Selection of Director of Works*

17 22.-(1) Where a vacancy occurs in the office of the Director of Works,
18 a selection board shall be constituted by the Council which shall consist of:-

19 (a) The Pro-Chancellor;

20 (b) The Vice-Chancellor;

21 (c) Two members appointed by the Council, not being members of the
22 Senate; and

23 (d) The selection board, after making such inquiries as it thinks fit,
24 shall recommend a candidate to the Council for appointment to the vacant
25 office; and after considering the recommendation of the board the Council may
26 make an appointment to that office.

27 *Creation of academic posts*

28 23. Recommendations for the creation of academic posts other than
29 principal officers shall be made by the Senate to the Council through the
30 Finance and General Purposes Committee.

1 *Appointment of academic staff*

2 24.-(1) Subject to the Act and statutes, the filling of vacancies in
3 academic posts (including newly created ones) shall be the responsibility of
4 the Senate.

5 (2) For the purpose of filling such vacancies, suitable selection
6 boards to select and make appointments on behalf of the Council shall be set
7 up.

8 (3) For appointments to professorships, associate professorship or
9 readerships or equivalent posts, a board of selection, with power to appoint,
10 shall consist of:

11 (a) The Vice-Chancellor;

12 (b) Two members appointed by the Council;

13 (c) Four members appointed by the Senate, at least two of whom
14 shall be members of the Senate, while the other two members shall be
15 professional peers in the professional area in which an appointment is to be
16 considered;

17 (d) Where the post is tenable at the University, the Vice-Chancellor
18 of the University;

19 (e) Where the post is within a school, institute or other teaching unit
20 of the University, the Dean of the school or the teaching unit, or the director
21 of the institute, as the case may be; and

22 (f) Such other persons, not exceeding two in number, deemed
23 capable of helping the board in assessing both the professional and academic
24 suitability of a candidate under consideration, as the Senate may from time
25 to time appoint.

26 (4) For other academic posts, a selection board, with power to
27 appoint, shall consist of:

28 (a) The Vice-Chancellor;

29 (b) Four members appointed by the Senate, at least two of whom
30 shall be members of the Senate, while the other two members shall be

1 professional peers in the professional area in which an appointment is to be
2 considered;

3 (c) Where the office is justifiable at the University, the Vice-
4 Chancellor of the University;

5 (d) Where the post is within a school, institute or other teaching unit of
6 the University, the Dean of the school or the teaching unit or the director of the
7 institute, as the case may be; and

8 (e) Such other persons, not exceeding two in number, deemed capable
9 of helping the board in assessing both the professional and academic suitability
10 of a candidate under consideration, as the Senate may from time to time
11 appoint.

12 (5) All appointments to senior library posts shall be made in the same
13 way as equivalent appointments in the academic cadre and for all such posts
14 other than that of the Librarian, the Librarian shall be a member of the selection
15 board.

16 (6) Boards of selection may interview candidates directly or consider
17 the reports of interviewing panels and shall in addition, in the case of
18 professorships, associate professorships, readerships or equivalent post,
19 consider the reports of external assessors relevant to the area in which the
20 appointment is being considered.

21 *Appointment of administrative and professional staff*

22 25.-(1) The Administrative and professional staff of the University
23 other than principal officers, shall be appointed by the Council or on its behalf
24 by the Vice-Chancellor or the Registrar in accordance with delegation of any
25 powers made by the Council in that behalf.

26 (2) In the case of administrative or professional staffs that have close
27 and important contacts with the academic staff, the Senate or its representative
28 shall participate in the selection process.

1 THIRD SCHEDULE

2 TRANSITIONAL PROVISIONS AS TO PROPERTY WITHIN THE
3 CONTEMPLATION OF THIS ACT

4 1. Agreements, contracts, deeds and other instruments to which
5 the Colleges were party to, shall subject to any necessary modification, have
6 effect as if the University had been a party thereto in place of the Colleges.

7 2. Documents not falling within sub-paragraph (1) of this
8 Paragraph, including enactments, which refer, whether specifically or
9 generally, to the provisional council, shall be construed in accordance with
10 that sub-paragraph so far as applicable.

11 3. Any legal proceedings or application relating to any authority
12 pending or against the College, may be continued by or against the
13 University.

14 *Registration of transfers*

15 4. Where there is a law in force at the place where any property
16 transferred by this Act is situated, which provides for the registration of
17 transfers of property of the kind in question, whether by reference to an
18 instrument of transfer or otherwise, the law shall, so far as it provides for
19 alterations of a register, but not for avoidance of transfers, the payment of
20 fees shall apply to the modifications required under this paragraph.

21 5. It shall be the duty of the body to which any property is
22 transferred by this Act to make available to the transferee, necessary
23 particulars of such transfer to the proper officer of the registration authority
24 and of that officer to register the transfer accordingly.

25 *Transfer of functions*

26 6. The first meeting of the Council shall be convened by the Pro-
27 Chancellor on such date in such manner as he may determine.

28 7. Persons who were members of the College Council shall be
29 deemed to constitute the Council of the University until the date when a new
30 Council will be constituted by the University.

1 8. The first meeting of the Senate as constituted by this Act shall be
2 convened by the Vice-Chancellor on such date and in such manner as he may
3 determine.

4 9. Any person, who is a member of the Council of the Colleges before
5 the coming into force of this Act, shall be deemed to constitute the Senate of the
6 University until the date when the Senate as provided for Section 9 of this Act
7 have been duly constituted.

8 10. Subject to any statutory instruments made by the Senate pursuant
9 to this Act, the schools, school boards and students of the University before the
10 coming into force of this Act, shall on that day become schools, school boards
11 and students of the University as may be constituted by this Act.

12 11. Persons who were Deans or associate Dean of schools or members
13 of any school boards shall continue to be Deans or associate Deans or become
14 members of the corresponding school boards, until new appointments are
15 made in pursuance of the statutes.

16 12. Any person who was a member of staff of the Colleges as
17 established or was otherwise employed by the Council of the Colleges, shall
18 become the holder of an appointment at the University with the status,
19 designation and functions which correspond with his status as a staff of the
20 University.

EXPLANATORY MEMORANDUM

This Bill seeks to establish Federal University of Technology, Enugu and to make comprehensive provisions for Due Management and Administration.